

EXHIBIT I

Case No. 21-CV-0811-TSZ

(Motion to Substitute Expert Witness)

Subject: Bungie Inc v. Aimjunkies.com et al -- W.D. WA Case No. 2:21-cv-00811-TSZ -- Request for telephonic hearing pursuant to W.D.WA LR 26(i)
From: Phil Mann <phil@mannlawgroup.com>
Date: 6/27/23, 8:23 PM
To: Tyler Lichter <Tyler_Lichter@wawd.uscourts.gov>
CC: "Rava, William C. (SEA)" <WRava@perkinscoie.com>, "Dini, Jacob (SEA)" <JDini@perkinscoie.com>, Chy Eaton <chy@newmanlaw.com>, Alexis Brewer <alexis@newmanlaw.com>, "Marcelo, Christian W. (SEA)" <CMarcelo@perkinscoie.com>, John Du Wors <John@newmanlaw.com>
BCC: Dave Dwight <d7958@hotmail.com>

Dear Mr. Lichter,

I am writing to at the request of Mr. John du Wors, (who is currently flying and incommunicado) to request an immediate telephonic hearing pursuant to W.D.WA LR 25(i) on the issue initially raised below and that the Court elected not to address earlier.

Briefly, the need for the conference is that just a few hours ago, Counsel for Bungie, Inc. notified both me and Mr. du Wors that Bungie would, on Wednesday June 27, 2023, serve the attached subpoena on Honeywell International, Inc., the employer of Mr. du Wors' client, Scott Kraemer, who serves as Defendants' expert in this action. Honeywell is Mr. Kraemer's principal employer, and the subpoena is a thinly disguised attempt to inform Honeywell of Mr. Kraemer's actions to both threaten Mr. Kraemer's employment and dissuade him from testifying in this case. Immediate action is needed to prevent service of the subpoena as the damage to Mr. Kraemer's interests will occur immediately upon service of the subpoena, regardless of how Honeywell ultimately chooses to respond.

My understanding is that Bungie earlier avoided a telephonic hearing on this matter based on its representation that it would give meaningful notice to Mr. Kraemer and Defendants should it elect to serve a subpoena in this matter. Providing "notice" late in the afternoon the day before Bungie intends to serve the subpoena is hardly meaningful notice and smacks of sharp practice.

We ask that the Court give this matter its immediate attention by granting the earliest possible telephonic hearing and before irreparable damage is done to Mr. Kraemer's interests.

Thank you,

Philip P. Mann
Counsel for Defendants

On 6/8/23 10:21 AM, Tyler Lichter wrote:

Counsel,

Having reviewed your emails, the Court will take no further action at this time.